

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

J.S. and R.S. individually,
and on behalf of John S., a minor,

Plaintiffs,

-against-

THE NEW YORK CITY DEPARTMENT
OF EDUCATION,

**DECLARATION OF DENISE
LORELLI**

ECF

Case No.: 15 CV 0355

Denise Lorelli declares under penalty of perjury under the laws of the United States of America, specifically 28 U.S.C. § 1746, that the following is true and correct.

1. I am a school psychologist at the Seton Foundation for Learning on Staten Island (“Seton”). I am a Board Certified Behavior Analyst (BCBA).

2. I submit this declaration in support of Plaintiff’s Cross-Motion for Summary Judgment.

3. I oversee the Applied behavior Analysis (ABA) therapy that is conducted with John S. at Seton and work with John on ABA 1:1. I work with the teachers to develop the programs and procedures, so we work together.

4. John has autism spectrum disorder. It affects his language, the way he socializes, socialization skills, and he has significant deficits in attention and activity level.

5. John needs Applied Behavior Analysis to learn. ABA meets John’s needs because it is information that’s broken into small units. We systematically fade the help that John would need while we’re teaching, and John needs motivators. If he’s not

motivated, we can't direct him towards learning, so he needs a lot of motivation. It's also very teacher-directed, and that meets John's needs.

6. John must have ABA with the following components to learn: It must be teacher directed, delivered in small units, information has to be broken down for John to process the information, presented as visually as possible, and we systematically fading the help that John needs to process this information. We fade that help by using data, so everything we do we measure, and we base how we fade the help we give him on the data that we measure.

7. John has a developmental disability, so the teacher can't be a catalyst in learning, because he's not developing the way typical individuals do. The teacher has to direct that learning. The teacher has to present the information, and the teacher has to be basically the person who corrects John when he is about to make an error, and she guides him through the process of learning. John can't progress without it.

8. Every piece of information that we present to him has a procedure that we write out, it has a prompt level that the teacher must implement, and we present the information one step at a time. John cannot learn without his program being broken into small units.

9. ABA is systematically fading. I will not fade the words until I know that John does not require the help to find and a point to the word. For example, I may start the program saying place the paper in front of John, point to the word, and point to the number he has to find, then point to jump, and make the motion. That might be in the procedure. Then once John can do that independently without the point, I will just fade it to just the words, and then when he can do it with just the words, We establish a criteria

that's mastery if you could get it two or three days in a row on the first trial, then he's mastered it and we fade those words according to when the data says he's mastered the program.

10. For John to learn, everything we do, we have to define, so when we ask someone to measure how John is doing on a number line, we'll only give John a plus if he circles the number eight and jumps two by himself, and that would mean a plus, so that's how we measure things. We put exactly what it is observable that the person who is implementing the program could measure, and we don't move on to a new piece of information-- those small units we were talking about until we question that John's long-term memory or he has acquired the skill, and he's ready for the next step in the program, so the data tells us when we go forward.

11. Individuals with autism spectrum disorder, like John, do not have the same type of what we call intrinsic motivation. Because there's significant social deficits and significant, social awareness for John in a lot of areas John is not socially aware, for example, that his mom is going to be really proud of him when he gets good grades. That's not something that's motivating him right now, because socially, he hasn't developed to a point where he could understand that completely.

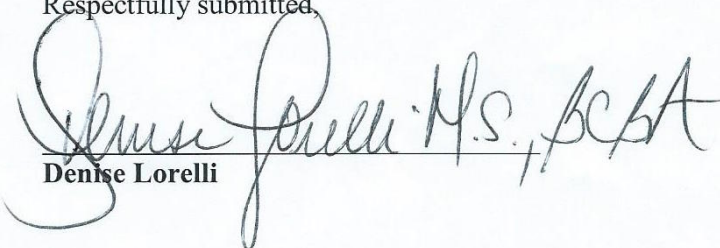
12. He needs motivators to have him engaged and acquire skills to attend, so we will tell John that he can have access to electronics that he likes, or something that he prefers when he completes a task. We also need to help inspire that motivation for learning as well, because there's a social component to motivation.

13. John cannot learn without a program that is teacher directed, delivered in small units, information that is broken down in small units for John to process the

information, presented as visually as possible, systematically fading the help that John needs to process this information, and presented with motivators. Without all these components John will not benefit from an educational program. This has been true for his entire educational life.

14. I state under penalty of perjury under the laws of the United States of America, specifically 28 U.S.C. § 1746, that the above is true and correct.

Respectfully submitted,


Denise Lorelli

DATED New York, NY
5/21/16